

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED
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CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DMJ
DEPUTY CLERK

INMOBILIARIA BUDA S. DE R.L. DE
C.V.; INMOBILIARIA DONA LUCHA S.
DE R.L. DE C.V.,

PLAINTIFFS,

V.

SARAH ELLEN BROWN, CALEB
PRESTON, AND JENNIFER CAMPBELL,
DEFENDANTS.

CAUSE NO. 1:20-CV-806-LY

ORDER

Before the court in the above-styled and numbered cause is Defendants Sarah Ellen Brown, Caleb Preston, and Jennifer Campbell's Second Joint Motion to Dismiss filed May 19, 2021 (Doc. #26). Plaintiffs Inmobiliaria Buda S. de R.L. de C.V. and Inmobiliaria Dona Lucha S. de R.L. de C.V.'s (collectively, "Inmobiliaria") response was due June 2, 2021. *See* Loc. R. W.D. Tex. CV-7(e)(2) (requiring opposing party to respond within 14 days of service of dispositive motion).

Pursuant to Local Rule CV-7(e)(2), the court may grant the motion as unopposed, if review of the pleadings reveals that it should be granted. *Cf. John v. Louisiana Bd. of Trs. for State Colls. & Univs.*, 757 F.2d 698, 707–10 (5th Cir. 1985). Having reviewed the motions, record, and applicable law, the court concludes that the motion to dismiss should be granted.

Defendants previously moved to dismiss Inmobiliaria's claims on April 9, 2021. On May 14, 2021, the court granted Inmobiliaria's motion to amend and advised that "Inmobiliaria shall refile the proposed Second Amended Complaint contained in the motion as a separate document forthwith." Over a month later, Inmobiliaria has not refiled the proposed Second Amended Complaint. The court also ordered the parties to submit a Proposed Agreed Scheduling Order on or before June 14, 2021. To date, no scheduling order has been filed. Accordingly,

IT IS ORDERED that Defendants' motion to dismiss (Doc. #26) is **GRANTED**.
Inmobiliaria Buda S. de R.L. de C.V. and Inmobiliaria Dona Lucha S. de R.L. de C.V.'s claims
against Sarah Ellen Brown, Caleb Preston, and Jennifer Campbell are **DISMISSED WITH**
PREJUDICE.

A final judgment shall be rendered subsequently.

SIGNED this 21st day of June, 2021.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE